

UNITED STATES DISTRICT COURT  
for the  
Southern District of Illinois

UNITED STATES OF AMERICA

Plaintiff(s)

vs.

ZACHARY M. STAUFFER

Defendant(s)

Case Number: 20-CR-30018-SMY

**MOTION TO CONTINUE**

COMES NOW the Defendant, by and through his attorney, Ethan Skaggs, Assistant Federal Public Defender for the Southern District of Illinois, and for his Motion to Continue states as follows:

1. This case is currently scheduled for trial on October 19, 2020 and for final pretrial conference on October 6, 2020.
2. Counsel entered his in this matter on February 20, 2020. Counsel visited the Defendant at the jail the Defendant is being held in on March 12, 2020. Due to the public health crisis caused by the Covid-19 virus, three days later directives were given to cease in person jail visits with defendants and 3 days after that Counsel's office started mandatory teleworking for office employees. The directive barring in person jail visits has not changed (incidentally Counsel has learned similar directives are in place with the defender's office in a neighboring district). With the order to cease in person visits to the jails, the attorneys in counsel's office began using the Probation Office iPad system to conduct interviews of clients in the jails. Unfortunately Mr. Stauffer was in a jail that did

not have the video capability. At that point, Counsel was limited to sending letters to Mr. Stauffer and phone calls as the only way to communicate with Mr. Stauffer. A video system was later put in place at the jail Mr. Stauffer was housed, but there were issues with the system. Counsel continued communicating with Mr. Stauffer by phone.

Counsel has been informed the issues with video at the jail have been addressed (for the most part) and is scheduling a visit with Mr. Stauffer. To date, Mr. Stauffer has not seen his lawyer for six months due to the public health crisis. While Counsel has been communicating with his client by phone, Mr. Stauffer has asked Counsel to set up a video visit as opposed to communicating and consulting over the phone.

3. Counsel needs additional time to consult with Mr. Stauffer regarding this matter. While the Government has tendered some plea related documents, Counsel has only been able to consult with Mr. Stauffer by phone. Recent conversations with Mr. Stauffer have caused Counsel to reengage the Government with respect to possible plea negotiations. Counsel needs time to consult with his client regarding issues related to the plea negotiations. It is understandable why Mr. Stauffer would prefer to the video system to consult with counsel as the jails place inmates in rooms by themselves when conducting video visits. Phone calls to counsel are made from the cellblock. This raises certain difficulties when discussing issues related to the charges Mr. Stauffer is facing given the nature of the charges. Counsel believes under the current circumstances (which have been beyond the Defendant's control), further time and preparation is needed for Counsel to adequately and effectively consult his client.

4. While the matter has been continued due to the COVID-19 pandemic, the Defendant has only twice previously requested a continuance of the trial/pretrial conference settings in this matter.
5. Counsel has been in contact with Assistant United States Attorney Casey Bloodworth, who is prosecuting this matter for the government, and has been informed the Government does not object to this motion.
6. In light of the above and the current public health crisis, the interests of justice in this matter would appear to be best served by a continuance of the trial setting and further no party will be prejudiced if the trial setting is continued.

WHEREFORE, Defendant prays that this Honorable Court grant his Motion to Continue and continue the trial approximately 45 to 60 days or whatever other period of time best comports with this Court's schedule in other matters.

Respectfully submitted,

/s/ Ethan Skaggs

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ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that he has caused a true and correct copy of the foregoing to be served upon the assigned Assistant United States Attorney, Southern District of Illinois, via electronic filing with the Clerk of the Court using the CM/ECF system on October 3, 2020.

/s/ Ethan Skaggs